

### Remarks

Reconsideration and withdrawal of the restriction requirement and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-3, 5-15, 17-24 and 26-43 are now pending in the application, with Claims 1, 14, 22 and 36 being independent. Claims 22-43 have been withdrawn from consideration. Claims 4, 16 and 25 have been cancelled without prejudice. Claims 1, 5, 14, 17, 22 and 26 have been amended herein.

The Examiner has made final the restriction requirement and election of species requirement set forth in the Office Action dated June 20, 2003. Although Applicants indicated in the response dated July 21, 2003, that Claims 22-35 read on the elected group and species, the Examiner withdrew those claims from consideration "as being drawn to a nonelected Species (plurality of dispensers having a processor and a central station)." Reconsideration is requested.

It should be noted that in the original election of species requirement, the only noted species were the embodiment represented by Fig. 2 (Species 1) and the embodiment represented by Fig. 4 (Species 2). Fig. 2 is a schematic diagram of first embodiment of a beverage dispenser usable with the system of the present invention and Fig. 4 is a schematic diagram of a second embodiment of a beverage dispenser usable with the system of the present invention. In other words, the two species noted by the Examiner are directed to a type of dispenser, not the quantity of dispensers. It is respectfully

submitted that Claims 22-35 read on the elected group and species and should be rejoined with the other elected claims. Favorable consideration is requested.

Claims 1-4, 6-10, 13-16 and 18-21 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,364,159 (Newman et al.). Claims 11 and 12 were rejected under 35 U.S.C. § 103 as being unpatentable over Newman et al. Claims 5 and 17 were rejected under § 103 as being unpatentable over Newman et al. in view of U.S. Patent No. 5,681,507 (Kazuma). These rejections are respectfully traversed.

Independent Claims 1, 14 and 22 have been amended to include the features of dependent Claims 4, 16 and 26, respectively, which have been cancelled herein.

As is recited in independent Claim 1, the present invention relates to a beverage dispensing system including a beverage dispenser for forming and dispensing a beverage, the beverage dispenser comprising a carbonator in which water is mixed with CO<sub>2</sub> gas to form carbonated water, the beverage dispenser operating under various parameters including a first parameter that is indicative of the quality of the beverage to be dispensed and a second parameter that is indicative as to when routine maintenance is to be scheduled and a processor monitoring the various parameters under which the beverage dispenser operates. The processor determines whether the first parameter is outside of a predetermined range and if the first parameter is outside the predetermined range, the processor sends a signal regarding a request for immediate repair service. The processor monitors at least one of the water temperature, the water flow rate and the CO<sub>2</sub> gas pressure as the first parameter.

As is recited in independent Claim 14, the present invention relates to a beverage dispensing method including the steps of forming and dispensing a beverage with a beverage dispenser, the beverage dispenser comprising a carbonator in which water is mixed with CO<sub>2</sub> gas to form carbonated water, the beverage dispenser operating under various parameters including a first parameter that is indicative of the quality of the beverage to be dispensed and a second parameter that is indicative as to when routine maintenance is to be scheduled, monitoring the various parameters under which the beverage dispenser operates, determining whether the first parameter is outside of a predetermined range and sending a signal regarding a request for immediate repair service if the first parameter is outside the predetermined range. At least one of the water temperature, the water flow rate and the CO<sub>2</sub> gas pressure is monitored as the first parameter.

As is recited in independent Claim 22, the present invention relates to a beverage dispensing network. The network includes a plurality of beverage dispensers, a processor and a central processing station. The plurality of beverage dispensers forms and dispenses beverages. At least one of the beverage dispensers includes a carbonator in which water is mixed with CO<sub>2</sub> gas to form carbonated water. Each beverage dispenser operates under various parameters including a first parameter that is indicative of the quality of the beverage to be dispensed and a second parameter that is indicative as to when routine maintenance is to be scheduled. The processor monitors the various parameters under which the at least one of the plurality of beverage dispensers operates. The processor determines whether the first parameter is outside of a predetermined range and if the first

parameter is outside the predetermined range, the processor sends a signal regarding a request for immediate repair service. The processor monitors at least one of the water temperature, the water flow rate and the CO<sub>2</sub> gas pressure as the first parameter. The central processing station communicates with the processor and receives the signal and effects the immediate repair service.

Newman et al. relates to a self-monitoring fountain dispenser. Dispenser 10 includes a carbonator tank 20, carbonator valve 24, water valve 30 and syrup valve 48. Current sensing resistors 26, 32, 50 are associated with the three valves and a controller 100 monitors the voltage drop across the resistors to recognize whether a particular valve is operating properly. If a valve is malfunctioning, the controller detects an abnormal current and immediately provides notification of a fault condition. Controller 100 also communicates with a signature resistor 70 associated with a replaceable consumer interface 62, which can include an input panel 60. Using the signature resistor, the controller can obtain knowledge of the consumer interface landscape and can check for occurrences of alterations or damage from vandalism, component fatigue, and accidental reconfiguration. If an undesirable landscape-detectable condition is present, the controller can issue an appropriate alert to initiate corrective action. In addition, automated troubleshooting of high-level and low-level probes 40, 42 can be effected by communicating with input panel 60, flow meter 34 and carbonator valve 24. In particular, using the various components, the controller knows when the carbonator tank is full or low and whether the probes are responding properly. The controller can also alert whether these probes are malfunctioning.

The Office Action construes the sensing of the voltage drop across valves 24, 30 and 48 in Newman et al. as reading on the claimed first parameter that is indicative of the quality of the beverage to be dispensed. As discussed above, when these conditions are sensed, the controller provides immediate notification of the fault condition. However, this parameter is not water temperature, water flow rate or CO<sub>2</sub> gas pressure. Although the flow rate out of the carbonator tank 20 is measured by flow meter 34, there is no disclosure of notifying when there is a deviation of the water flow rate. The water flow rate in Newman et al. cannot be considered a first parameter that is monitored and then notified.

Accordingly, Newman et al. fails to disclose or suggest at least a beverage dispenser operating under various parameters including a first parameter that is indicative of the quality of a beverage to be dispensed and a second parameter that is indicative as to when routine maintenance is to be scheduled, determining whether the first parameter is outside of a predetermined range and if the first parameter is outside the predetermined range, sending a signal regarding a request for immediate repair service, with at least one of water temperature, water flow rate and CO<sub>2</sub> gas pressure being monitored as the first parameter, as is recited in independent Claims 1, 14 and 22.

Thus, Newman et al. fails to disclose or suggest important features of the present invention recited in independent Claims 1, 14 and 22.

Kazuma relates to an apparatus for manufacturing carbonated water and utilizes a water supply pump 6. However, Kazuma is not believed to remedy the deficiencies of Newman et al. noted above with respect to independent Claims 1, 14 and 22.

Thus, independent Claims 1, 14 and 22 are patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicants respectfully submit that the present invention is patentably defined by independent Claims 1, 14 and 22. Dependent Claims 2, 3, 5-13, 15 and 17-21 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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